

Article 6. CUPA Self-Auditing and Reporting

§15280. What self-auditing requirements must the CUPA follow?

(a) A self-audit is an evaluation conducted by the CUPA of its annual Unified Program activities and includes an evaluation of any participating agencies or other contracting agencies.

(1) The CUPA shall conduct an annual self-audit at the end of each state fiscal year. Annual self-audit reports shall be completed by September 30 of each year. The time period covered by each self-audit is the state fiscal year from July 1 through June 30 of each year.

(2) The first self-audit report shall be produced by September 30 following a full year of operation as a CUPA and shall be maintained on file by the CUPA for a period of five (5) years.

(3) Upon written request of the Secretary or a state agency responsible for overseeing one or more program elements, the CUPA shall forward the self-audit to the person or agency making the request upon 60 days notice.

(4) For an agency authorized to continue its role, responsibilities, and authority for a program element or elements pursuant to Health and Safety Code Sections 25404.3(f) or 25533(f), the self-audit shall only include information on the program element or elements that particular agency is authorized to continue to operate and shall not include information related to the surcharge or single fee system.

(b) The self-audit shall include the following:

(1) The CUPA's self-audit includes an evaluation of participating agency performance.

(A) The self-audit shall address at a minimum all program elements including the periodic evaluation of participating agencies, and a report of deficiencies with a plan of correction [refer to Section 15180(a)(8)].

(B) The CUPA shall prepare a summary of the findings of each self-audit and shall maintain the summary and self-audit records at the primary CUPA address provided in the application or as subsequently revised by the CUPA and provided to the Secretary at the address given in Section 15290(c).

(2) Narrative summaries of program element activities including, but not limited to the effectiveness and efficiency of permitting and inspection and enforcement activities undertaken and a copy of the annual, biennial, and quarterly reports of program activities submitted to the Secretary pursuant to Section 15290.

(3) A summary of Single Fee System activities.

(4) A narrative summary of the progress made toward consolidating, coordinating, and making consistent the Unified Program.

(5) A record of changes in local ordinances, resolutions, and agreements affecting the Unified Program.

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- (6) A narrative summary of the annual review and update of the fee accountability program as required by Section 15210(b)(2).
- (7) A summary of new programs being included in the Unified Program.
- (8) A demonstration that the CUPA has satisfied the specific self-audit and performance standards established in regulation by the Secretary or the state agencies responsible for one or more of the program elements.

Authority cited: Sections 25404, 25404(b) and 25404.6(c), Health and Safety Code. Reference: Sections 25404(b), (c) and (d), 25404.4(a)(1) and 25404.5(b), Health and Safety Code; and Title 23, Section 2713, California Code of Regulations.

HISTORY

1. New article 6 and section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New article 6 and section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New article 6 and section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New article 6 and section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 11-14-94 order including amendment of subsections (a), (a)(1)(A)-(B), (a)(2), (b), and (b)(1)(B), repealer of subsection (b)(1)(C)(ii) and subsection renumbering, amendment of subsection (b)(2), new subsection (b)(3), amendment of subsection (c)(1) and (c)(1)(A), repealer of subsection (c)(1)(B), new subsections (c)(1)(B)-(c)(1)(B)(iii), and amendment of subsection (c)(2) and Note transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Change without regulatory effect adding subsection (b)(4) filed 5-28-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 22).
7. Amendment of article heading, section heading, section and Note filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 1-8-99 order transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).

§15290. What reports must the CUPA submit to the State?

- (a) The CUPA shall submit the following reports for the previous fiscal year to the Secretary by September 30 of each year. The first reports shall be submitted by September 30 following a full State fiscal year of operation as a CUPA.
 - (1) The Annual Single Fee Summary Report using Report 2. It includes:
 - (A) The amount of the single fee billed and the amount collected.
 - (B) The amount of any funds due to participating agencies and the amount actually transmitted.
 - (C) The amount of surcharge billed, the amount of surcharge waived, and the amount of surcharge collected for each of the following categories:
 - (i) CUPA oversight
 - (ii) regulated underground tanks
 - (iii) California Accidental Release Prevention program

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(D) If the CUPA believes that the number of regulated businesses will change significantly in the current year or in the next year, then estimates of those changes for each program element will be provided in a cover letter with Report 2.

(E) A count for the year of the report of the total regulated businesses, underground storage tank facilities, underground storage tanks, onsite hazardous waste treatment facilities (permit by rule, conditionally authorized, and conditionally exempt), CalARP program stationary sources, waivers granted to stationary sources, and businesses subject to the CalARP program surcharge.

(2) Annual Inspection Summary Report, using Report 3, provides summary information for each program element. The hazardous waste element is separated into parts for generators, large quantity generators, recyclers, and onsite treatment as shown on Report 3. The summary information includes the number of regulated businesses, total number of inspections, routine inspections, other inspections, and the inspected businesses that returned to compliance within established standards after routine inspections. Established standards vary by program element and are found in either state law or regulations, or the CUPA may adopt more stringent standards by local ordinance or in its application for certification. The report also collects total counts (not by program element) for these types of inspections: combined routine, joint, and integrated/multi-media; and a count of Risk Management Plan audits for the CalARP program.

(3) Annual Enforcement Summary Report, using Report 4, provides summary information for each program element. The hazardous waste element is separated into parts for generators, large quantity generators, recyclers, and onsite treatment, as shown on Report 4. The summary information includes the number of facilities with violations by type of violation; the number of informal enforcement actions; the total number of administrative actions, civil and criminal referrals and enforcement actions, and the total amount of fines and penalties initially assessed and collected. For the Class I and II violations within the hazardous waste program, it also provides a count of the total number of formal enforcement actions that were initiated within 135 days from the first day of a routine inspection or after making a determination of the violations for a complaint investigation. (This last count excludes minor violations.)

(b) The CUPA shall submit the Biennial Tiered Permitting Release Report, using Report 5, to the Secretary for the previous two-year period by August 30, every other year starting in 2000. This report provides a listing of all unauthorized and accidental releases to the environment from any onsite tiered permitting facility. This includes releases identified by the CUPA or other responding agencies or as self-reported to the CUPA by the regulated business. The report includes the EPA ID number, facility name and address, type of facility (based on the highest tier), date of the release, description of release, and whether the corrective action is completed at the time of the report.

(c)(i) Reports 2 through 4 shall be submitted by the CUPA to the:

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SECRETARY FOR ENVIRONMENTAL PROTECTION
1001 I STREET
SACRAMENTO, CALIFORNIA 95814

(ii) Report 5 shall be submitted by the CUPA to the:

DEPARTMENT OF TOXIC SUBSTANCES CONTROL
STATE REGULATORY PROGRAMS DIVISION
P.O. BOX 806
SACRAMENTO, CALIFORNIA 95812-0806

(d) On a quarterly basis, each CUPA shall send information pertaining to local underground storage tank program implementation to the State Water Resources Control Board. This report shall satisfy the requirements of Health and Safety Code, Section 25299.7(b) and CCR Title 23, Section 2713.

(1) Quarterly Underground Storage Tank (UST) Program Report, using Report 6, provides information on quarterly changes to the count of regulated tank facilities; the number of active and permanently closed petroleum and hazardous substances tank systems; the completed UST facility inspections; and both a count and percent calculation of active UST systems with approved leak detection systems and the count and percent of UST systems that meet the 1998 upgrade or replacement requirements. This report is a turnaround document that is provided quarterly by the State Water Resources Control Board to each CUPA showing the previous quarter's information reported by the CUPA. The CUPA will also review and verify the information shown from the previous quarter and make any appropriate changes.

(2) The quarterly reports shall be submitted 60 days after the end of each quarter to the:

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF CLEAN WATER PROGRAMS, UST PROGRAM
P.O. BOX 944212
SACRAMENTO, CA 94244-2120

(e) The periodic reports required by Sections 15250 and 15290 shall be submitted in a paper form, unless the CUPA requests to submit the reports electronically and obtains the Secretary's prior approval of the file format.

(f) If the CUPA chooses to submit Reports 3-6, required by Section 15290, to the State in an electronic format, the CUPA shall:

- (1) Meet the standards specified in Sections 15185 and 15187,
- (2) Submit the data using the same layout and present the required information in the same order and general sequencing for each page as shown on each report, or use a facsimile version thereof.
- (3) Collect and report all of the information found on the report that applies to the CUPA.

(g) Upon the written request of the Secretary or an authorized agent, or a state agency responsible for one or more program elements, the CUPA shall provide information listed in or derived from any part of the Unified Program Data Dictionary [refer to Appendices C and D] to the person or agency making the request within 60 days. The scope of these

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requests by the Secretary for information on facilities and/or CUPA activities is limited to data included in the data dictionary. These additional data reports shall be submitted in a paper form, unless the person or agency making the request approves a CUPA's request to submit the reports electronically. CUPAs may request an extension upon showing good cause.

(h) Nothing in this section shall limit the authority of the Secretary to request records or documents that are normally maintained by the CUPA in the course of implementing the Unified Program or otherwise required by law to be retained by the CUPA. The CUPA shall provide this information to the Secretary within 60 days.

(i) Any other program reports required by federal or state law. The CUPA shall provide this information to the person or agency making the request within 60 days.

(j) The CUPAs shall report using the formats of Report 1 through 6, however, in 1998-99, CUPAs may submit incomplete Reports 3 and 4, if information on CUPA activities had not been collected using these categories for that entire reporting period. In those cases, the CUPA shall submit additional available information demonstrating inspection and enforcement activities for the 1998-99 fiscal year. Complete reports are required for the 1999-2000 fiscal year and subsequent submissions.

(k) An agency authorized to operate a program element or elements pursuant to Health and Safety Code Sections 25404.3(f) or 25533(f) shall only report information on the implementation of the program element or elements that particular agency is authorized to operate and shall not include information related to the surcharge or single fee system.

Authority cited: Sections 25404(b), (c), (d) and (e) and 25404.6(c), Health and Safety Code. Reference: Sections 25171, 25171.5, 25299.3(b), 25404(b), (c) and (d), 25404.4(a)(1) and 25404.5(b), Health and Safety Code.

HISTORY

1. New section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 11-14-94 order including amendment of subsections (a) and (b) transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Repealer and new section filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 1-8-99 order, including amendment of subsection (k) transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).

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8. Change without regulatory effect redesignating and amending former subsection (c) as subsection (c)(i) and adopting new subsection (c)(ii) filed 7-11-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 28).